

REMARKS / ARGUMENTS

Claims 1-16 are currently pending in the application. Claims 1,2,6-13,15 and 16 are allowed. Claims 3-5 and 14 are rejected to. Claims 3-5 are cancelled without prejudice or disclaimer and claim 14 is amended by this response.

In the Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "54" has been used to designate both a tow body and gravity(See Page 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed on any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In the Office Action, the drawings were objected to because reference character "32" between "20" and "24" should be deleted in FIG. 1. Corrected drawing sheets in compliance with 37 CFR

1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawing for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawing will not be held in abeyance.

In the Office Action, claim 14 was rejected under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, the phrase "can be" renders the claims(s) indefinite.

In the Office Action, claims 3-5 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Smith et al. (Reference B: U.S. Patent No. 4,596,989).

Regarding claim 3, Smith et al. teaches in figures 1-2 an apparatus comprising: means [51] for receiving a transmitted signal; and means [53] for maintaining the receiving means [51] at a facing position to the force of gravity [C.G.]

Regarding claim 4, Smith et al. teaches in figures 1-2 the apparatus in accordance with claim 3, wherein the receiving means [51] further comprises: means [50] for reducing detuning interference.

Regarding claim 5, Smith et al. teaches in figures 1-2 the apparatus in accordance with claim 4, the apparatus further comprising means [55] for being towed on an ocean surface.

Claims 1-2, 6-13 and 15-16 are allowed.

Claims 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 1-2 is the inclusion of the limitation of the frustum having an open end pivotably attached to the gimbal with the open end encompassing the receiver section at the increased diameter of the frustum and with the open end pivotable on one of the least two axes. It is this limitation found in each of the claims, as it is claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 6-13 and 15-16 is the inclusion of the limitations of an antenna comprising: hollowed frustum with a closed end at its decreased diameter and an open end at an increased diameter; feed stem positioned and extending through the closed end to an interior of the hollowed frustum, the feed stem removable conductive at one end to frequency energy source; and a receiver section connected to an opposite end of the feed stem. It is these limitations found each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 6-13 and 15-16 is the inclusion of the limitations of an antenna comprising: hollowed frustum with a closed end at its decreased diameter and

an open end at an increased diameter; feed stem positioned at and extending through the closed end to an interior of the hollowed frustum, the feed stem removably conductive at one end to frequency energy source; and a receiver section connected to an opposite end of the feed stem. It is these limitations found in each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

These rejections and objections are respectfully traversed in view of the amended claims and the remarks that follow.

In the Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "54" has been used to designate both a tow body and gravity (See Page 11). In response, FIG. 4 and the corresponding text in the specification has been amended to change reference character "(54)" to "(55)" to designate the swinging arc by gravity. It is submitted that amended changes to FIG. 4 and the corresponding text in the specification do not add new matter and that the objection of the Office Action is resolved.

In the Office Action, the drawings were objected to because reference character "32" between "20" and "24" should be deleted in FIG. 1. In response, FIG. 1 has been amended to delete reference character "32" between "20" and "24". It is submitted

that amended changes to FIG.1 do not add new matter and that the objection of the Office Action is resolved.

In the Office Action, claim 14 was rejected under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claim 14 of the present application has been amended to remove reference to the phrase "can be" and therefore resolve the indefiniteness of the claim. As a result, the rejection of the Office Action for the claim is resolved.

In the Office Action, claims 3-5 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Smith et al. (Reference B: U.S. Patent No. 4,596,989). In response, claims 3-5 of the present application have been cancelled without prejudice or disclaimer; therefore, the rejection of the Office Action is resolved for the claims.

In view of the Remarks above, the Applicant respectfully requests reconsideration and allowance of the application.

The Examiner is invited to telephone Michael P. Stanley, Attorney for Applicant, at 401-832-4736 if, in the opinion of the Examiner, such a telephone call would serve to expedite the prosecution of the subject patent application.

Respectfully submitted,
DAVID F. RIVERA

7 April 2005

By

A handwritten signature in dark ink, appearing to read "Michael P. Stanley", is written over a horizontal line.

MICHAEL P. STANLEY
Attorney of Record
Reg. No. 47108

Amendments to the Drawings

The attached sheet of drawings includes changes to FIGS. 1 and 4. In FIG. 1, reference character "32" has been removed. In FIG. 4, reference character "(54)" has been changed to "(55)".

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

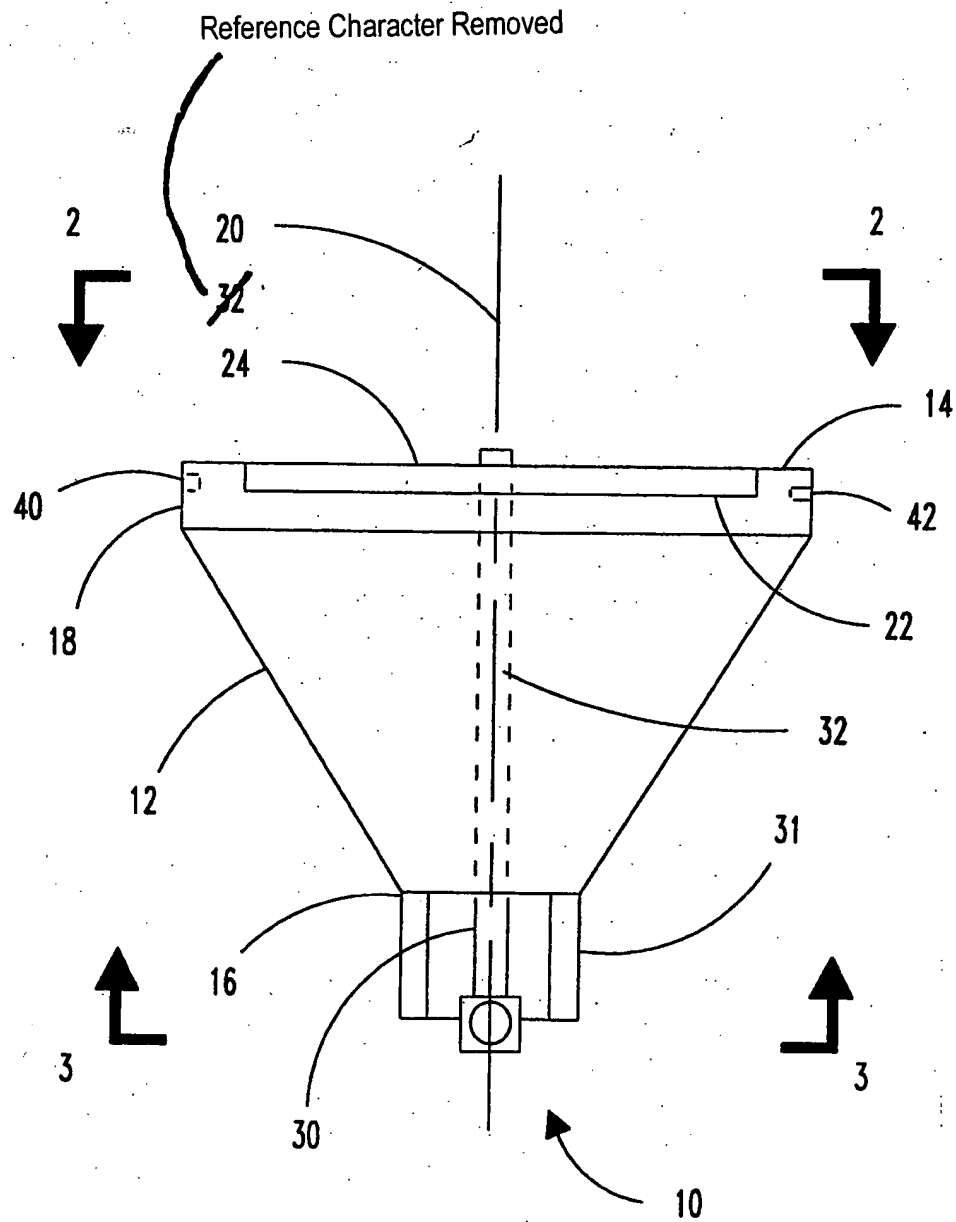


FIG. 1

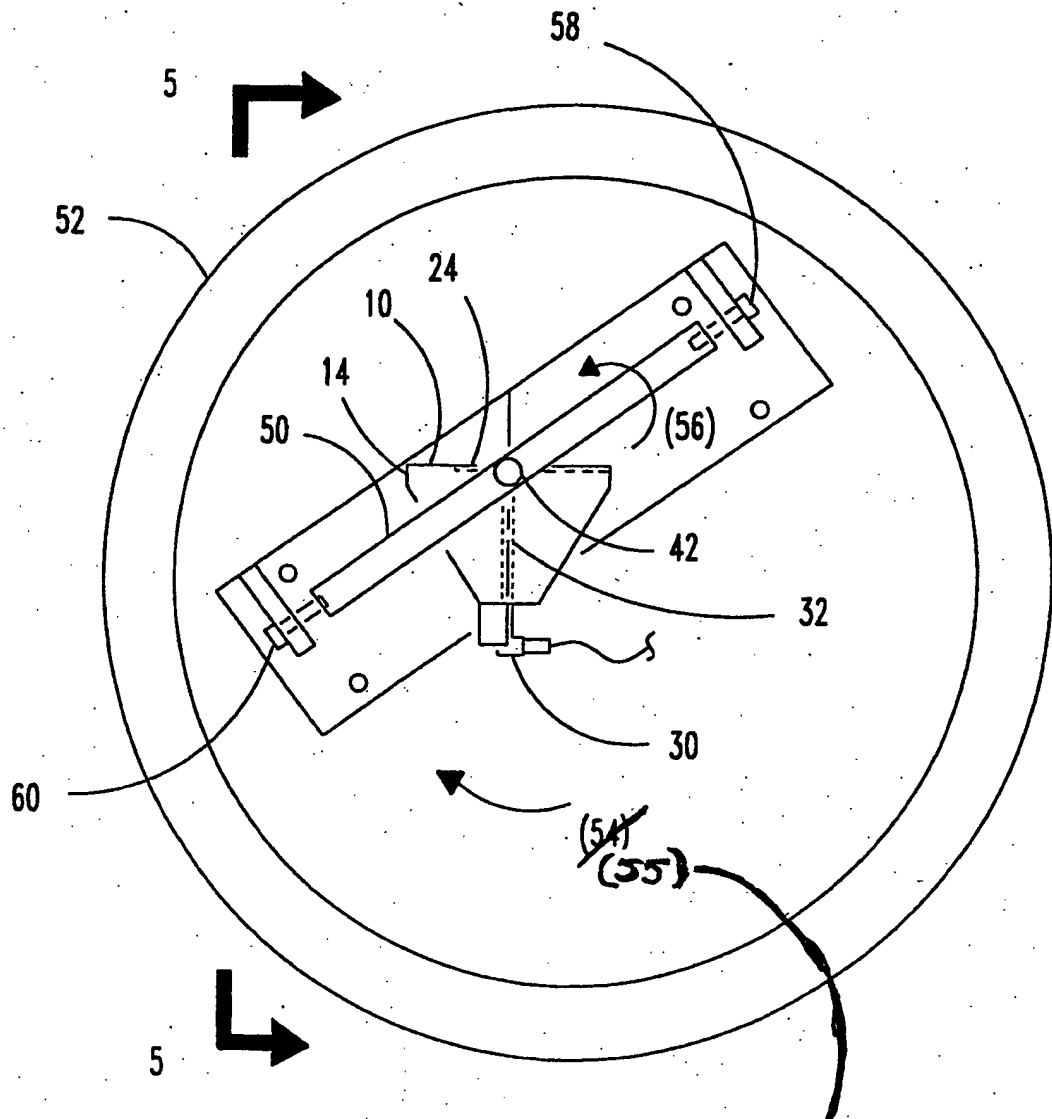


FIG. 4

Reference Character Changed